



Arizona State Retirement System

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Fact Sheet

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JUDGE PRO TEMPORE AND COURT COMMISSIONER

The position of court commissioner and the position of judge pro tempore are "full-time" State of Arizona judicial positions in which an employee may work full-time or less than full-time, depending upon the agreement between the employee and appointing judge.

A court commissioner who is working full-time and who did not elect to remain in the ASRS when commissioners became eligible to participate in the Elected Officials Retirement Plan (EORP) must participate in the EORP. A commissioner who is participating in the EORP may not elect to participate in the ASRS instead of the EORP.

A court commissioner who is working less than full-time and judge pro tempore are not eligible for participation in the EORP.

For a court commissioner who is not eligible to participate in the EORP and for a judge pro tempore, the ASRS is the only other public pension plan in which the individual may participate.

To be eligible to participate in the ASRS, a court commissioner or judge pro tempore must be performing services that are covered by Social Security pursuant to Arizona's Section 218 Social Security Agreement (A.R.S. § 38-727) and be engaged to work for compensation at least 20 weeks in each fiscal year and at least 20 hours each week (A.R.S. § 38-711 (22)).

Arizona's Section 218 Social Security Agreement now extends Social Security coverage to State of Arizona judicial officers who are ineligible to participate in the EORP. As a result, a court commissioner who is ineligible to participate in the EORP and a judge pro tempore must participate in the ASRS, if the officer is engaged to work for compensation at least 20 weeks in each fiscal year and at least 20 hours each week. If the officer is not engaged to work for compensation at least 20 weeks in each fiscal year and at least 20 hours each week, the officer is not eligible to participate in the ASRS.